IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 13648 of 2007(Y)

PETITIONER:

E.P.HARRIS, S/O.MOHMMED KUNHI,
N.M.KOTTAGE, VELLUR AMSOM,
P.O.KANDOTH, TALIPARAMBA TALUK,
KANNUR DISTRICT.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS:
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1. PAYYANNUR MUNICIPALITY,
REPRESENTED BY SECRETARY,
PAYYANNUR, KANNUR DISTRICT.

2. MUNDAYATAN KIZHAKKE VEETTIL DR.ANAND,
AGED 73 YEARS, KOKKANISSERI,
PAYYANNUR AMSOM,
TALIPARAMBA TALUK.

3. DR.S.ANANDABABU, AGED 50 YEARS,
S/O.DR.ANAND,
MEDICAL PRACTITIONER, KOKKANISSERI,
PAYYANNUR AMSOM, TALIPARAMBA TALUK.

BY ADV. SRI.K.N.ABHILASH -- R1
SRI.C.MURALIKRISHNAN (PAYYANUR) -- R2 & R3
SRI.SUNIL NAIR PALAKKAT

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR & HARUN-UL-RASHID, JJ.

W.P.(C) No.13648 of 2007

Dated, this the 10th day of August, 2007

JUDGMENT

Balakrishnan Nair, J.

The petitioner challenges the licence granted to the 3rd respondent for running a cool bar pursuant to Ext.P3 application submitted by the 3rd respondent. Licence is sought for room (door) No.XV/138. The petitioner is one of the co-owners of the premises. The 3rd respondent is the tenant. The contention of the petitioner is that a licence for a new business in the said premises could not be obtained without the permission of the landlord. But the municipality relying on the decision of this court in *Marimuthu v. Director General of Police - 1999 (3) KLT 662,* granted the permit. The petitioner attacks the said decision of the municipality as illegal and without jurisdiction.

2. Today we have ordered eviction of the premises occupied by the 3rd respondent under section 11(3) of the Kerala Buildings (Lease and Rent Control) Act. We have also allowed the 3rd respondent to continue to occupy the shop room for a further period of six months from today subject to certain conditions. So his continuance in the room is authorised by law. So he is entitled to do whatever business he is doing there for a further period of six months. Therefore, the question posed by the learned counsel for the petitioner has become academic now. Accordingly it is not

necessary to decide the question in this writ petition. Accordingly this writ petition is closed.

K. BALAKRISHNAN NAIR
JUDGE

HARUN-UL-RASHID,
JUDGE.

mt/